



DHR | Virginia Department of Historic Resources

**Insurance Coverage of Privately Owned Properties within Historic Districts Listed in the
National Register of Historic Places and Virginia Landmarks Register
and for
Properties Individually Listed in the Historic Registers**

In recent years, staff at the Department of Historic Resources have been informed that some insurance companies are unfamiliar with the National Register of Historic Places and the Virginia Landmarks Register, and with what Register listing entails for a historic property. Listing in the National Register and in the VLR is honorary. It recognizes a historic property's importance to its community, the State, and/or the Nation as well as encourages good stewardship of the historic property.

Such listing, either individually or as a contributing resource in a registered historic district, should have no bearing on the issue of insurance coverage. Owning a property listed in the National Register and/or Virginia Landmarks Register does not impose a regulatory burden on the property owner. When making repairs to a listed property that may involve an insurance claim, the property owner is under no obligation to make the repairs following accepted historic preservation standards or guidelines, nor to receive approval from DHR before undertaking repairs.

Should a property that is listed in the National Register or Virginia Landmarks Register become damaged or be destroyed, there is no state or federal requirement that the property be rebuilt or repaired to reflect its historic appearance. Additionally, there is no state or federal requirement that a particular contractor be used to make repairs.

Specifically, the National Register of Historic Places is a program of the National Park Service. The Virginia Department of Historic Resources (DHR) administers the National Register program in Virginia and the Virginia Landmarks Register (state register). Listing in these registers places no obligations on private property owners, and there are no restrictions on the use, treatment, transfer, or disposition of private property, nor does it lead to public acquisition or require public access to the property. Please be aware that:

- National and state register listings do not place restrictions on private property owners. Owners have no obligation to open their properties to the public, to restore them, or to maintain them in a particular way, if they choose not to do so. (Local zoning and permitting processes still must be followed.)
- Under Federal and State laws, private property owners can do anything they wish with their Register-listed property, provided that no Federal or State license, permit, or funding is involved (and local zoning and permitting processes are followed).
- National and state register listings do not require that any specific guidelines be followed in a rehabilitation, remodeling, repair, or renovation – *unless* the owner is using Federal funds or seeking Federal or State historic rehabilitation tax credits). For example,
 - the owner of a listed property may paint his building any color he chooses;
 - exact replicas of listed properties are not required to be constructed if the original is destroyed;
 - the same or very similar materials are not required to be used for repairs or replacement of all or part of the building.
- If a listed property is destroyed or its integrity is greatly altered, it is simply removed from the Registers through an administrative action by DHR and NPS.

- If a property is listed in or eligible for listing in the National Register of Historic Places, the **National Historic Preservation Act** requires the Federal government to take into account the possibility of adverse effects on the historic property by a project that receives *Federal* licensing, permitting, or funding.
 - Questions about repairs to historic buildings often arise in the wake of natural and manmade disasters, especially in places that have been declared disaster areas by either Federal or State government. The Federal Emergency Management Agency (FEMA) generally is the Federal agency that responds first to such disasters (the Virginia Department of Emergency Management is the state agency that responds). FEMA has extensive information about historic preservation and requirements for making repairs when *Federal* funds, licenses or permits are used, at the following website link - <http://www.fema.gov/environmental-planning-and-historic-preservation-program/historic-preservation-information>.

An insurance claim filed by a private homeowner to his insurance company to repair typical damage, such as a fallen tree, a burglary, vandalism, water or smoke damage, or other private incidents, is not the type of action generally considered subject to government oversight as it will not receive any Federal licensing, permitting, or funding. If a property is within a Federal- and/or State-declared disaster area, such as was declared in Virginia after Hurricane Sandy, the homeowner and their insurance company are likely to work with disaster response agencies. DHR staff also can provide technical assistance to property owners in the wake of a disaster.

Federal and State Historic Rehabilitation Tax Credits and other financial incentive opportunities are available for Register-listed properties, should a property owner choose to use them. DHR administers the historic tax credit and easement programs to assist owners of registered properties with maintenance and rehabilitation costs and to assure the properties' preservation for future generations. To learn more about these programs, visit our Grants & Incentives webpage at http://www.dhr.virginia.gov/homepage_general/finance.htm, which also has information about various other incentives programs. Owners may also qualify for Federal grants for historic preservation when funding is available. Contact the National Park Service (www.nps.gov) for Federal grant information. Currently, Virginia has no grants available for privately owned properties.

If you would like further verification of the National Register's non-regulatory nature, consult the Federal law and regulations concerning the program:

- National Historic Preservation Act. United States Code, Title 16, Subsection 470, or 16 USC 470. The full text of the law is at this website link - http://www.cr.nps.gov/history/online_books/fhpl/nhpa.pdf
- Regulations for the National Register of Historic Places. Code of Federal Regulations, Part 36, subsection 60.2 (commonly abbreviated as 36 CFR 60 (subsection 60.2)). The regulations are available online at this website link - <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=8c7b4dc18661d0c519b22291f5e7585e&ty=HTML&h=L&r=P&ART&n=36y1.0.1.1.26>

Further information can be found on the National Register website at <http://www.nps.gov/nr/faq.htm>.

Statutory authority and enabling regulations pertaining to the Virginia Landmarks Register, as well as the National Register program's administration in Virginia, are as follows:

- Code of Virginia Title 10.1. Conservation Chapter 22. Historic Resources, available online at <http://law.lis.virginia.gov/vacode/title10.1/chapter22/>.
- Virginia Administrative Code Title 17. Libraries and Cultural Resources, Department of Historic Resources, Chapter 20 and Chapter 30, available through the VAC online portal at <http://leg1.state.va.us/cgi-bin/legp504.exe?000+men+SRR>.

Insurance Companies Offering Insurance for Historic Properties

Some insurance firms are knowledgeable about the National Register of Historic Places and the Virginia Landmarks Register and what listing of a privately owned historic property in the Registers does and does not mean when it comes to insurance coverage. Purchase of insurance coverage is a complex matter unique to each property and each owner. Property owners are encouraged to become informed consumers of all their insurance products, to speak with experts in insurance and financial planning about the many facets of insurance coverage, and to work with a trusted insurance agent to design an insurance policy that is appropriate for them.

The list below is provided by the Department of Historic Resources as a service to property owners seeking insurance for their historic property. This list does not presume to be all inclusive; however, all companies that request inclusion will be listed.

The inclusion of an insurance company on this list is not an endorsement by the Department of Historic Resources or a demonstration of professional competence. As a government agency, the Department cannot recommend the services of a firm and does not accept responsibility for the performance of any firm.

Chubb Group of Insurance Companies

The Chubb Group of Insurance Companies provides insurance coverage specific to historic houses, as well as other types of property. Their website is <http://www.chubb.com/>.

Fireman's Fund Insurance Company

The Fireman's Fund Insurance Company provides insurance coverage specific to historic houses, as well as other types of property. Their website is <http://www.firemansfund.com/Pages/welcome.htm>.

National Trust Insurance Services, LLC

The National Trust for Historic Preservation has formed a subsidiary, National Trust Insurance Services, LLC, that offers a variety of insurance solutions to property owners. Their respective websites are <https://savingplaces.org/> and <http://nationaltrust-insurance.org/>.

Other Options

Major insurance companies, such as Allstate, State Farm, Farmers, USAA, and GEICO, as well as smaller firms offer numerous types of insurance policies. Insurance coverage requirements vary from state to state and policy coverage available in one place may not be available in another. Property owners should speak with a knowledgeable local agent representing the firm with which they wish to do business to see what options are available in their property's locality.